

**SCRIPT FOR TELEPHONIC SEARCH AUTHORIZATION**

MJ: "This is  (RANK) (NAME) , a military judge authorized to issue search authorization. With me on this conference call is  (NAME) , the applicant for a telephonic search authorization. This call is being recorded with the consent and knowledge of all parties." An Application for Search Authorization, (enclosure (23e) to the Military Justice Manual),  (has been) (has not been)  completed. [If not completed, reason should be stated].

MJ: "The applicant will state his rank or rate, name, and duty assignment."

APP: "This is  (RANK/RATE) (NAME)  and my present duty assignment  (PLACE) ."

MJ: [OATH MAY BE OMITTED IF IMPRACTICABLE]. " \_\_\_\_\_, I will now administer the oath to you prior to taking your affidavit. Do you \_\_\_\_\_ swear or affirm that the statements that you are about to give in this affidavit are the truth, the whole truth, and nothing but the truth, so help you, God?"

APP: "I do."

MJ: [I have received a fax (or e-mail) of Search Authorization Application and Search Authorization forms purportedly prepared by \_\_\_\_\_. Did you complete these forms and is the information contained in these forms true and accurate to the best of your knowledge and belief?] [Depending on the contents of the fax or e-mail, the following may be omitted].

MJ: "First, \_\_\_\_\_, what is the location and description of the premises, object, or person you wish to search?"

APP: (Describe person or property to be searched. In giving this description, the applicant should carefully detail how the person or property to be searched is within the limits of military searches set out in subparagraph 7.C.2.b., Military Justice Manual, COMDTINST M5810.1D. The applicant then should read the description of the person or premises word for word from the previously completed search authorization.)

MJ: "What property do you wish to seize from the person or property previously described?"

APP: (Describe the property. Pay careful attention to the directions given in paragraph 7.C.2., Military Justice Manual, COMDTINST M5810.1D. The applicant then should read the description of the property to be seized word for word from the previously completed search authorization.)

MJ: " \_\_\_\_\_, what facts do you have relevant to a determination that there is probable cause to believe that the property you wish to seize is located on the person, or

premises to be searched?"

APP: (Describe the basis for requesting the search authorization verbatim from paragraph 2 of the previously prepared affidavit.)

MJ: "\_\_\_\_\_, have you received information regarding the above persons, objects, or premises from a confidential, reliable informant?"

APP: "Yes/No."

(IF INFORMER INVOLVED)

MJ: (If Yes) "\_\_\_\_\_, is there any reason that you wish to keep the informant anonymous?"

APP: (A possible reason: informant wishes anonymity, and it is the applicant's experience that to reveal informants' identity subjects them to abuse, destroys their utility to law enforcement, and dissuades others from volunteering information.)

MJ: "What specific information has the informant given to you to indicate that the item(s) to be seized are in a particular place?"

APP: (Here fully describe all the relevant information given to you to indicate that the item(s) to be seized are in a particular place.)

MJ: "\_\_\_\_\_, why do you believe that the informant is reliable?"

APP: (How long has the applicant known the informant; has the informant provided information in the past; has the informant always proved true and correct; has the informant ever given false or misleading information; has the informant identified narcotics in the presence of the applicant; what have been the results of the prior information--number of arrests for felonies, number of convictions for felonies, number of cases awaiting trial, what types of narcotics have been seized, etc. The military judge should also be provided with as much background information as possible regarding the knowledge of the circumstances held by the informer in order to justify any conclusion that probable cause exists to effect a search.)

(CONTINUE FOR ALL APPLICATIONS)

MJ: "\_\_\_\_\_, what type of training or experience have you had in investigating (TYPE OF OFFENSE) and/or identification of (TYPE OF DRUG, ETC.)?"

APP: (Answer completely.)

MJ: "\_\_\_\_\_, is there any other information that you believe may provide grounds for the seizure of the property described earlier?"

APP: "Yes/No."

MJ: "Has any previous request for search authorization involving the same person and property been denied?"

APP: "Yes/No."

MJ: "Is night service requested?"

APP: "Yes/No." (If yes, set out reasons - *see*, MJM subparagraph 7.C.2.c(4).)

MJ: "I find that probable cause exists for the issuance of a search authorization for the previously described property. \_\_\_\_\_, do you have a copy of the telephonic search authorization form?"

APP: "Yes."

MJ: "Have you filled in the description of the person or premises to be searched and the property to be seized exactly as set out earlier in this telephonic application procedure?"

APP: "Yes."

MJ: "You may write 'night service (is)/(is not) authorized in the appropriate space.'"

MJ: "Read back the search authorization to me in its entirety."

APP: (Reads search authorization.)

MJ: (Directs any necessary corrections.)

MJ: [If enclosure (23b) to the MJM has been faxed to the MJ do not read] "\_\_\_\_\_, at this point, I direct you to sign my name and rank in the space provided. Next sign your name and rank immediately below mine. Fill in the block for date and time of issuance. The date time group of issuance is (EXAMPLE: 081236R NOV 00)."

MJ: "The verbatim record of this application proceedings is incorporated by reference into the search authorization. This ends the recorded proceedings."



**SEARCH AUTHORIZATION**

\_\_\_\_\_ of \_\_\_\_\_  
(Rank) (Name) (Organization)

is hereby authorized to execute this search authorization on the basis of an application made before me by

\_\_\_\_\_ of \_\_\_\_\_  
(Rank) (Name) (Organization)

The application in support of this request is either attached hereto, or, if this search warrant was obtained telephonically, will be attached and is incorporated into this authorization.

On the basis of the information provided by the applicant, I find that probable cause exists to believe that the offense mentioned has been committed, and that the property to be seized is located (on the person) (at the place) to be searched.

\_\_\_\_\_ is ordered to search the (place) (person) here described as  
for the property described as  
\_\_\_\_\_  
\_\_\_\_\_

A copy of this order will be given to the person searched or any person in possession of the place searched. Night time service (is/is not) authorized. If found (on/in) the (person/place) described above the subject property shall be seized and a receipt therefor issued to the person found in possession thereof or from whom it is taken. If there is no person present this receipt will be left conspicuously at the place or premises from which the property is seized. A written inventory will also be made of the property seized and attached to this warrant for return.

Notice of this search warrant will (BE) (NOT BE) given to the commanding officer prior to execution.

APPROVED:

/s/ \_\_\_\_\_ at (DTG)

Military Judge

by:

(Applicant, Rank, Position)



**VOLUNTARY CONSENT TO SEARCH**

I, \_\_\_\_\_,  
[Rate/Rank] [First, MI, Last Name] [SSN]

consent to the search of the following:

\_\_\_\_\_  
\_\_\_\_\_

to be conducted by \_\_\_\_\_, of \_\_\_\_\_

\_\_\_\_\_

I am the owner or custodian of the places and/or objects to be searched, or I am otherwise empowered to consent to the search. I have been advised that:

\_\_\_\_\_ (1) I am not required to consent to the search, and cannot in any way be  
[Init] compelled to give my consent.

\_\_\_\_\_ (2) The results of the search may be used against me in a trial by court-  
[Init] martial, Federal, State, or local court of law or any other administrative or disciplinary proceedings.

\_\_\_\_\_ (3) If I refuse to consent to the search, no adverse conclusion may be drawn  
[Init] against me based on my refusal to consent to the search.

This consent is given voluntarily without threat, promise, or offer of reward.

\_\_\_\_\_  
[Signature] [Date/Time] \_\_\_\_\_

\_\_\_\_\_  
[Location] [Witness Name/Rank]

\_\_\_\_\_  
[Witness Signature]





**URINALYSIS CONSENT FORM**

I, \_\_\_\_\_, have been requested to provide a urine sample. I have been advised that:

- (1) I am suspected of having unlawfully used drugs;
- (2) I may decline to consent to provide a sample of my urine for testing; and,
- (3) If a sample is provided, any evidence of drug use resulting from urinalysis testing may be used against me in a court-martial.

I consent to provide a sample of my urine. This consent is given freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness' Signature

\_\_\_\_\_  
Date



**FORMAT FOR SEARCH AUTHORIZATION APPLICATION**

[Command]

[Address]

Phone:

FAX:

5800

[DATE]

From: [RANK/RATE NAME DUTY ASSIGNMENT]

To: [RANK NAME MILITARY JUDGE'S TITLE]

Subj: APPLICATION FOR SEARCH AND SEIZURE AUTHORIZATION

1. I, \_\_\_\_\_, submit the following facts in support of my application for a search authorization: The location and description of the (premises, object, or person) to be search is \_\_\_\_\_.

2. I put forth the following facts as establishing probable cause to believe that the (premises, object, or person) to be searched and the property to be seized is connected with the offense of (full description of offense).

(SET OUT ALL RELEVANT INFORMATION)

3. I have (personal knowledge/hearsay information via informant) of the preceding facts. (If hearsay, state in detail the basis for believing the reliability of the informant.)

4. I have had the following training or experience in investigating (type of offense) and /or identification of (type of drug/contraband).

//s//

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(Applicant)

(Note: Execution of this application under oath may be omitted if impracticable.)

